

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARA TORRES,

Plaintiff,

v.

PORTFOLIO RECOVERY
ASSOCIATES, LLC,

Defendant.

Case No. 1:22-cv-0035 JLT SKO

ORDER ADOPTING THE FINDINGS AND
RECOMMENDATION AND DISMISSING
ACTION WITHOUT PREJUDICE

(Doc. 10)

Lara Torres sought to hold Portfolio Recovery Associates, LLC, liable for a violation of the Fair Debt Collection Practices Act. (*See* Doc. 1-2.) On February 15, 2022, Plaintiff filed request to dismiss the action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). (Doc. 7.) Defendant filed a statement of non-opposition to Plaintiff's request. (Doc. 9.)

On February 18, 2022, the assigned magistrate judge found the requested voluntary dismissal would not result in "prejudice to some legal interest, some legal claim, [or] some legal argument." (Doc. 10 at 2, citing quoting *Westlands Water Dist. v. United States*, 100 F.3d 94, 96 (9th Cir. 1996).) Therefore, the magistrate judge recommended that Plaintiff's request to dismiss the action without prejudice be granted. (*Id.* at 3.) The Court served the Findings and Recommendation on the parties, which notified them that any objections thereto were due within fourteen days. (*See id.*) In addition, the Court advised the parties that "failure to file objections

1 within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v.*
2 *Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) No objections were filed by either party, and the
3 time to do so has expired.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de*
5 *novo* review of the case. Having carefully reviewed the entire file, the Court concludes the
6 findings and recommendation are supported by the record and proper analysis. Accordingly, the
7 Court **ORDERS**:

- 8 1. The Findings and Recommendation issued February 18, 2022 (Doc. 10), are
9 **ADOPTED IN FULL.**
- 10 2. Plaintiff’s request to dismiss this action (Doc. 7) is **GRANTED.**
- 11 3. The action is **DISMISSED** without prejudice; and
- 12 4. The Clerk of the Court is directed to close this case.

13
14 IT IS SO ORDERED.

15 Dated: **March 16, 2022**


UNITED STATES DISTRICT JUDGE